

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALTRUIS GROUP, LLC,

Plaintiff,

-vs-

PROSIGHT SPECIALTY  
MANAGEMENT COMPANY, INC.,  
NEW YORK MARINE AND  
GENERAL INSURANCE COMPANY  
and GOTHAM INSURANCE  
COMPANY,

Defendants.

Civil Action No.: 1:21-cv-10757-MKV

**AFFIDAVIT OF  
TIMOTHY M. JABBOUR**

Timothy M. Jabbour, an attorney admitted to practice before this Court pro hac vice hereby declares the following:

1. I am a partner at Tressler, LLP, attorneys for Plaintiff Altruus Group, LLC in the above captioned matter and have personal knowledge as to the contents of this affidavit.
2. I provide this affidavit in connection with Plaintiffs' Response to this Court's Order to Show Cause [ECF No. 99] why Plaintiff should not be sanctioned.
3. Following receipt of this Court's Order to Show Cause dated December 16, 2021, a specific inquiry was made to Altruus Group, LLC requesting that it identify its members.
4. On December 16, 2021, Altruus advised that Altruus Group, LLC had four members: Mr. Joseph J. Beneducci, Sr.; Mr. Joseph Beneducci, IV.; Mr. Jason Beneducci; and Mr. Jared Beneducci, all of whom were, and continue to be, citizens of Florida.

5. Plaintiff filed a Second Amended Complaint alleging that diversity of citizenship existed because Plaintiff, Altruus Group, LLC and its members are citizens of Florida and Defendants are citizens of New York. [ECF No. 28]

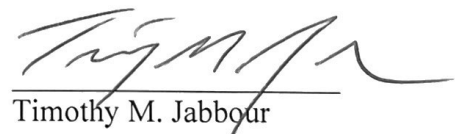
6. Altruus Group's principals and Altruus' counsel, to their core, premise all their conduct on being completely forthright and honest. It was never Plaintiff or Plaintiff's counsel's intention to mislead or deceive the Court.

7. At the deposition of Joseph Beneducci, Sr. taken on January 5, 2023, Mr. Beneducci testified that the sole member of Altruus Group, LLC was the Beneducci Family Legacy Trust. (See Excerpts of Deposition Testimony of Joseph Beneducci, Sr. attached hereto as Exhibit "A" at 27:9-14). Mr. Beneducci testified further that the Beneducci Family Legacy Trust owned Altruus Group, LLC and that he was the representative running it. See, Exhibit A at 27:1-7.

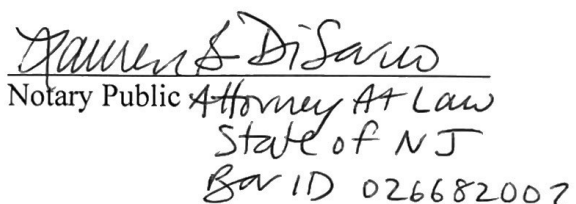
8. In response to Defendants' questioning, Mr. Beneducci also testified at deposition that the trustees of the Beneducci Family Trust were Mr. Beneducci and his attorney, Mr. Raftery. See Exhibit A at 28:2-6.

9. Plaintiffs became aware that Defendants had concern regarding a lack of visibility into the structure of the Beneducci family trust or the relationship between that trust to the LLC on July 31, 2023 in connection with the parties' preparation of the Proposed Joint Pre-Trial Order.

Dated: August 9, 2023

  
Timothy M. Jabbour

Sworn and subscribed before  
Me on this 9<sup>th</sup> day of August 2023

  
Notary Public Attorney At Law  
State of NJ  
Bar ID 026682002

# EXHIBIT A

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 CIVIL ACTION NO. 1:21-cv-10757-MKV

4 ALTRUIS GROUP, LLC,  
5 Plaintiff,

6 vs.

7 PROSIGHT SPECIALTY MANAGEMENT  
8 COMPANY, INC., NEW YORK MARINE  
9 AND GENERAL INSURANCE COMPANY,  
and GOTHAM INSURANCE COMPANY,

Defendants.

10 \_\_\_\_\_/

11  
12 Nelson Mullins  
13 360 S Rosemary Avenue  
Suite 1410  
14 West Palm Beach, Florida  
Thursday, 9:04 a.m.-5:27 p.m.  
15 January 5, 2023  
16

17  
18 VIDEOTAPED DEPOSITION OF JOSEPH BENEDUCCI, SR.  
19

20 Taken on Behalf of the Defendants before  
21 Lisa Gerlach, FPR, Notary Public in and for  
22 the State of Florida at Large, pursuant to  
23 Notice of Taking Deposition in the above  
24 cause.  
25

<p style="text-align: right;">Page 26</p> <p>1 MR. JABBOUR: Objection to form.</p> <p>2 A. -- not to manage the data.</p> <p>3 BY MR. LOTERSTEIN:</p> <p>4 Q. To store your data?</p> <p>5 A. You asked to store the data.</p> <p>6 Q. Okay. You had a shared drive to store your</p> <p>7 data.</p> <p>8 What data did you store on the shared drive?</p> <p>9 A. Anything that was taking place with Altruis</p> <p>10 Group needs to be kept somewhere on a computer. If</p> <p>11 your question is, are you placing it on a variety of</p> <p>12 computers and a variety of storage places, we did not</p> <p>13 do that. You place it in one core area and you have a</p> <p>14 backup capability for all that information.</p> <p>15 Q. Where is the one core area where you stored</p> <p>16 that information?</p> <p>17 A. Amazon Services.</p> <p>18 MR. JABBOUR: Objection to form.</p> <p>19 BY MR. LOTERSTEIN:</p> <p>20 Q. In a particular drive, a cloud drive?</p> <p>21 A. I have no idea. It's the memory being kept</p> <p>22 by a very professional entity.</p> <p>23 Q. Okay. Altruis is an LLC; correct?</p> <p>24 A. Yes.</p> <p>25 Q. Does Altruis have more than one member?</p>	<p style="text-align: right;">Page 28</p> <p>1 A. I'm not clear on your question.</p> <p>2 Q. Let me take a step back. Who is the trustee</p> <p>3 for the Beneducci Family Trust?</p> <p>4 A. Myself and my attorney.</p> <p>5 Q. Who is your attorney?</p> <p>6 A. Mr. Raftery.</p> <p>7 Q. Is he at Dentons?</p> <p>8 A. Yes, he is. How did you know that?</p> <p>9 Q. I've seen his name on documents.</p> <p>10 A. Okay.</p> <p>11 Q. I could tell you I know all of the lawyers,</p> <p>12 but I don't think you'd believe me.</p> <p>13 A. There are quite a few of them. You have a</p> <p>14 very good memory then. Hope you never have</p> <p>15 glioblastoma.</p> <p>16 Q. I hope so too, Mr. Beneducci.</p> <p>17 So the trustee for the trust is you and your</p> <p>18 attorney; correct?</p> <p>19 A. Yes.</p> <p>20 Q. Who are the beneficiaries of the trust?</p> <p>21 A. The Beneducci family. My wife first and then</p> <p>22 my sons.</p> <p>23 Quick question. We are going to get a chance</p> <p>24 to start talking about the business; right? I just</p> <p>25 want to make sure of that.</p>
<p style="text-align: right;">Page 27</p> <p>1 A. One member for what?</p> <p>2 Q. The LLC. Who has the membership interest in</p> <p>3 Altruis?</p> <p>4 MR. JABBOUR: Objection to form.</p> <p>5 Go ahead.</p> <p>6 A. I own the entity. That being said, my trust</p> <p>7 owns the entity and I'm the representative running it.</p> <p>8 BY MR. LOTERSTEIN:</p> <p>9 Q. Okay. Explain that structure to me.</p> <p>10 A. Beneducci Family Trust is the entity that</p> <p>11 owns the Altruis Group.</p> <p>12 Q. So the Beneducci Family Trust is the</p> <p>13 100 percent owner?</p> <p>14 A. Correct.</p> <p>15 Q. So all of the membership interests in the</p> <p>16 Altruis Group, LLC are owned by the Beneducci Family</p> <p>17 Trust?</p> <p>18 A. Correct.</p> <p>19 Q. So your sons are not members of Altruis</p> <p>20 Group; is that right?</p> <p>21 MR. JABBOUR: Objection to form.</p> <p>22 A. They do not -- they are not.</p> <p>23 BY MR. LOTERSTEIN:</p> <p>24 Q. What is the situs of the Beneducci Family</p> <p>25 Trust?</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Mr. Beneducci, I'm going to conduct the</p> <p>2 deposition in the way I'd like to conduct the</p> <p>3 deposition.</p> <p>4 A. You certainly can. I just --</p> <p>5 (Overspeaking.)</p> <p>6 MR. JABBOUR: -- the witness.</p> <p>7 MR. LOTERSTEIN: I'm not. I will conduct</p> <p>8 the deposition in the order that I'd like to</p> <p>9 conduct it.</p> <p>10 THE WITNESS: Which you should. It's a</p> <p>11 simple question. I'm just curious --</p> <p>12 BY MR. LOTERSTEIN:</p> <p>13 Q. We'll get there.</p> <p>14 A. Good. That was the question.</p> <p>15 Q. Has the Beneducci Family Trust been the</p> <p>16 100 percent owner of Altruis Group since Altruis's</p> <p>17 inception?</p> <p>18 MR. JABBOUR: Objection to form.</p> <p>19 You can answer.</p> <p>20 A. With all entities, they have to be</p> <p>21 constructed and developed. I presume that is exactly</p> <p>22 how we did it. It may be 100 percent or it may be</p> <p>23 99 percent with me with 1 percent. But, yes, yes,</p> <p>24 that was the intent.</p> <p>25 BY MR. LOTERSTEIN:</p>